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June 23, 2014

The Honorable Lois Goodman, U.S.M.J.
United States District Court
Clarkson S. Fisher Building and U.S. Courthouse
402 East State Street
Trenton, New Jersey 08608

RE: FRANK C. CARROLL v. City of New Brunswick, et al.
Civil Action Number: 10-170 (MLC)
Our File Number: 5900.042386

*The date for deposition
motion will be re-set
after the ruling on the
Motion to Amend is
issued.*

So Ordered this 25th day
of June, 2014

Dear Judge Goodman:

Please be advised that this office represents Defendants City of New Brunswick and Director Anthony Caputo in the aforementioned matter. Lori A. Dvorak, Esq. represents Detective Michael DeBonis. The aforementioned Defendants will be collectively referred to as the "New Brunswick Defendants".

By way of background, on September 14, 2013, Plaintiff filed a Motion to file a Second Amended Complaint. (See Document Number¹ 26.) The New Brunswick Defendants filed Opposition to that Motion to file a Second Amended Complaint. (See Document Number 28.) On April 2, 2014, Your Honor granted Plaintiff's Motion to file a Second Amended Complaint. (See Document Numbers 37 and 38.) On May 5, 2014, the Second Amended Complaint was filed. (See Document Number 42.) Answers were filed on behalf of the New Brunswick Defendants. (See Document Numbers 40 and 43).

¹References to the documents listed on the Court's docket will hereinafter be referred as Document Number followed by the corresponding number.

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On March 21, 2014, Plaintiff filed a Motion to file a Third Amended Complaint. (See Document Number 36.) The New Brunswick Defendants filed Opposition to that Motion to Amend. (See Document Number 39.) However, to date, a ruling has not been rendered on the Motion to file the Third Amended Complaint.

Your Honor entered an Order dated March 10, 2014 which compelled the filing of dispositive motions by June 27, 2014. (See Document Number 34.) The New Brunswick Defendants are prepared to file their Motions based on the Second Amended Complaint. If Plaintiff's Motion to file a Third Amended complaint is denied, the New Brunswick Defendants will file their Motions for Summary Judgment.

Kindly advise if an extension of time to file the Motions for Summary Judgment will be granted to the New Brunswick Defendant until the Motion to file a Third Amended Complaint is decided. In the alternative, the New Brunswick Defendants will file their Motions for Summary Judgment based on the Second Amended Complaint.

Kindly advise how Your Honor would like the New Brunswick Defendants to proceed.

Should Your Honor have any questions or need additional information, please do not hesitate to contact this office.

I thank Your Honor and staff for your attention to this matter.

Respectfully submitted,



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WTC:BCO

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